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Security Council

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Report of the Secretary-General concerning the credentials of the alternate representatives of Guatemala on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 31 July 2012 from the Permanent Representative of Guatemala to the United Nations stating that Ms. Maria Soledad Urruela Arenales, Mr. Gabriel Orellana Zabalza, Mr. Joel Humberto Delgado Samayoa, Ms. María José del Águila Castillo, Ms. Viviana Raquel Arenas Aguilar and Mrs. Jimena Leiva Roesch have been appointed alternate representatives of Guatemala on the Security Council.

In the opinion of the Secretary-General, this letter constitutes adequate provisional credentials.

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Security Council

Distr.: General
3 August 2012

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Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction and Mission priorities

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested that I report at regular intervals on the implementation of its mandate. It covers the activities of UNMIK, and developments related thereto, from 16 April to 15 July 2012.

2. The priorities of the Mission, to promote security, stability and respect for human rights in Kosovo and in the region, remain unchanged. In furtherance of its goals, UNMIK continues to intensify its constructive engagements with Pristina and Belgrade, the communities in Kosovo, and regional and international actors. The Organization for Security and Cooperation in Europe (OSCE) and the Kosovo Force (KFOR) continue to perform their roles within the framework of Security Council resolution 1244 (1999). In line with the statement by the President of the Security Council of 26 November 2008 (S/PRST/2008/44) and my report of 24 November 2008 (S/2008/692), the European Union Rule of Law Mission (EULEX) operates under the overall authority and within the status-neutral framework of the United Nations. The United Nations agencies, funds and programmes continue to work closely with the Mission.

II. Political developments and northern Kosovo

3. During the reporting period, the preparation and holding of parliamentary and presidential elections and the process of government formation in Serbia led to a continuing hiatus in the European Union-facilitated dialogue between Pristina and Belgrade, while differences in the interpretation or implementation of agreements previously reached created some increase in tensions on the ground.

4. The conduct of the vote for those elections within Kosovo also threatened to raise tensions significantly. However, this was largely pre-empted owing to a sustained international effort to identify an appropriate modality for such voting. Following extensive consultations, Pristina and Belgrade agreed to a procedure for eligible voters to cast ballots in Kosovo in which OSCE would play a facilitating role. Following difficult political negotiations, OSCE moved quickly to establish polling stations and secure transportation of voting materials to special counting

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centres outside Kosovo, in Raška and Vranje, where they were counted by the Serbian Election Commission.

5. Accordingly, on 6 and 20 May, the voting for the parliamentary and the two-round Serbian presidential elections proceeded in an orderly and peaceful fashion at 90 polling stations in 28 locations in Kosovo. Some 200 OSCE staff and 300 locally recruited personnel participated in the preparation and conduct of the polling. The restraint exhibited by relevant political actors on all sides and critical support provided at a high professional level by the Kosovo police, EULEX and KFOR contributed to the successful conduct of the voting.

6. Although the Government of Serbia refrained from conducting its local elections in Kosovo, the municipalities of Zveçan/Zvečan and Zubin Potok proceeded, against formal objections from Belgrade, Pristina and much of the international community, with the holding of their own unsanctioned elections on 6 May. My Special Representative had made substantial efforts to dissuade local political figures from this course of action. On 11 July, municipal assembly councillors in the Belgrade-sponsored municipality of Leposaviq/Leposavic unseated the President of the municipality from the Democratic Party and elected a new President and Vice-President. This move reflects changes under way in the composition of a new Government in Belgrade. Northern Kosovo is now dominated by the Democratic Party of Serbia and the Progressive Party.

7. During the reporting period, the Kosovo authorities have also proceeded with preparations for what they have described as an "end to supervised independence". This envisages the closure of the International Civilian Office, created to oversee the implementation of the provisions of the Comprehensive Settlement Proposal, which the Kosovo authorities have endorsed. They have also proceeded with preparations for the adoption of a related package of legal reforms, which do not appear to affect the level of institutional protection afforded to the communities in Kosovo, except for the proposed removal of an article in the "Constitution" referring to the refugees and displaced persons. These reforms are also expected to remove the executive authority of the international organizations in Kosovo. On 2 July, the International Steering Group, composed of 25 recognizing States, concluded that the mandate of the International Civilian Office would end late in 2012.

8. Alongside these developments, on 23 May, the Kosovo institutions announced their intention to establish a new administrative office in northern Mitrovica and indicated that it would be financed in part by the reallocation of government funds previously earmarked for northern Mitrovica through the UNMIK Administration Mitrovica. While supported by some international representatives in Kosovo, the initiative was rejected by northern Mitrovica and other northern Kosovo Serb political leaders, who have effectively called upon the population of northern Mitrovica to boycott it. The administrative office began operating in a low-key manner on 6 July with the stated goal of ensuring the provision of services to all communities. Consultations among stakeholders are ongoing with regard to the practical and legal implications of the discontinuation of the funding for the UNMIK Administration Mitrovica, including on the contractual obligations vis-à-vis the civil servants whom it employs.

9. At the same time, the security situation in northern Kosovo has remained fragile. Tensions flared on 1 June when KFOR attempted to clear a roadblock in

Zveçan/Zvečan Municipality. Local protestors violently confronted KFOR, which responded with force. As a result, two KFOR soldiers and five Kosovo Serbs sustained gunshot wounds. On 4 June, the Crisis Committee of the Belgrade-sponsored municipal structure in northern Mitrovica protested against the KFOR action and announced that members of EULEX would not be permitted to move freely throughout northern Mitrovica. In the following weeks, tensions gradually decreased, and EULEX was able to regain access to the area and conduct its normal activities.

10. Additional tensions arose in connection with the KFOR operation to close an unauthorized crossing route on 16 June. Soon after the operation, a hand grenade attack near the KFOR compound at gate 31 damaged the hearing of one KFOR soldier and put the life of another in danger. Another two hand grenades were found at the same location on 12 July.

11. On 12 July, EULEX led an operation that resulted in the arrest of two Kosovo Albanians in connection with the murder of a Kosovo Serb in the northern Mitrovica suburb of Kroi i Vitakut/Brdjani in November 2011.

12. Throughout the reporting period, my Special Representative has continued to engage directly and through UNMIK-facilitated coordination meetings with the Serb leaders in the north, urging them to improve their communication with KFOR and EULEX and to allow unimpeded freedom of movement. He also worked to advance a dialogue among stakeholders towards a more acceptable and consensus-based approach to the issues concerning democratic representation in northern Kosovo.

III. Engagement between Pristina and Belgrade and practical arrangements

13. During the reporting period, the European Union-led dialogue between Belgrade and Pristina has been largely on hold pending the formation of a new Government in Belgrade. Officials on both sides have expressed the will to resume consultations, once a new Government is in place in Belgrade, in order to discuss the implementation of existing agreements and take up new subjects. This is notwithstanding some indications that new conditions may be set by either side for the resumption of the dialogue.

14. The agreements reached thus far in the dialogue between Pristina and Belgrade and their implementation status can be summarized as follows:

- **Regional cooperation.** Since the agreement did not precisely stipulate the way of using the footnote corresponding to the asterisk in "Kosovo*" (see also S/2012/275, para. 13), differing interpretations by the two sides led to problems in the participation of the Belgrade or Pristina institutions in a number of regional meetings during the reporting period.
- **Freedom of movement.** The agreement reached in this area has enabled persons on both sides to travel into the territory of the other using their identification cards. While technical talks have continued on the issue of high vehicle insurance fees being charged at the crossing points, no solution has yet been reached. The implementation of the provisions covering vehicle licence plates has also proved controversial, and a decision by the Kosovo authorities

to ban, as from July, the use of Serbian licence plates issued for Kosovo, although not fully implemented, has triggered protests by Serbs in northern Kosovo.

- **Certification of diplomas.** There has been some progress in the implementation of this agreement. On 27 June, the European University Association certified the first batch of diplomas issued by Kosovo institutions of higher education. The certification is being conducted through a European University Association committee of academic experts.

- **Civil registry books.** A pilot project on copying, verifying and certifying civil registry books commenced on 10 May. A total of 111 books covering most records for the territory of Janjevë/Janjevo (Lipjan/Lipljan Municipality) had been certified and handed over by EULEX to the Civil Registry Agency in Kosovo by mid-June. Preparations are ongoing for the main phase of the project, and a contractor has been identified to implement the agreement within the next 12 months. It is estimated that the project of copying, verifying and certifying 14,000 civil registry books, covering all municipalities in Kosovo, could be completed within one year.

- **Cadastre records.** A relevant implementation proposal is under consideration for the copying of cadastre documents held by Belgrade. The implementation of the agreement depends on the promulgation of related legislation in Pristina, which would allow the establishment of a technical agency. Despite the fact that the necessary legislation was mentioned in the legislative agenda of Kosovo for the first half of 2012, no progress has yet been made in its preparation.

- **Integrated management of crossing points.** Little progress has been made in the implementation of this agreement. Belgrade has yet to sign the technical protocol for the implementation of the dialogue's conclusions. Its implementation is also of a more long-term nature than in the case of some of the other agreements.

- **Free movement of goods.** The implementation of the related agreement has been satisfactory, with the exception of two crossing points in northern Kosovo.

IV. Security

15. The overall security situation remained generally calm during the reporting period. However, in addition to the incidents in northern Kosovo already noted in section II above, a series of incidents occurred in Pristina and at the Merdarë/Merdare crossing point on the Serbian holiday of St. Vitus Day, or "Vidovdan", on 28 June.

16. The first incident occurred after the Kosovo police escorted two buses from Serbia that were allegedly carrying intoxicated football fans out of Kosovo through the Merdarë/Merdare crossing point. The bus stopped immediately after crossing the line, and the occupants exited and initiated a confrontation with Kosovo police by throwing stones and attempting to remove a Kosovo border sign. During the altercations, the Kosovo police, backed by the Kosovo police special units, fired warning shots from three automatic rifles and two handguns. A total of 30 Kosovo

police officers were reported injured, and an unknown number of individuals from the bus were treated for injuries in Serbia. The confrontation was initiated by the passengers on the bus, but there were concerns that the police may have used disproportionate force in response. While local law provides a legal basis to initiate an investigation in such circumstances, the Minister for Internal Affairs, Bajram Rexhepi, announced that Kosovo police officers who, he said, "protected Kosovo borders from Serbian hooligans" would not be punished.

17. In the second incident, Kosovo Albanians attacked several buses transporting Kosovo Serb children to Graçanicë/Gračanica, following the ceremony at the Gazimestan monument on the main road in Pristina, allegedly throwing stones and a Molotov cocktail. Sixteen children between the ages of 8 and 16 were injured, two of whom required hospitalization. In the aftermath of the incident, the Kosovo police has acknowledged deficiencies in their operational plan since no police escort had been provided to the buses.

18. In addition to these incidents, the Kosovo police was also observed confiscating clothing and other items bearing Serbian symbols, without being disciplined for their conduct. Action or inaction on the part of the Kosovo police, especially the removal of clothing bearing Serbian symbols, political interference to pre-empt investigations regarding the police's use of force at the Merdarë/Merdare crossing, deficient operational planning and the failure to make any arrests in the attack on buses carrying Kosovo Serb children provide grounds for serious concern with regard to the institutional capacity of the Kosovo police to manage tensions and build public confidence.

V. Rule of law

19. During the reporting period, UNMIK continued to receive requests for mutual legal assistance from non-recognizing countries, while the Ministry of Justice of Kosovo has generally refused to accept them. As part of the efforts to overcome the deadlock, EULEX has agreed to engage in discussions with five non-recognizing European Union member States, with a view to finding solutions, including for implementing the technical arrangement on mutual legal assistance signed in 2011 between EULEX and the Ministry of Justice of Kosovo. On 22 May, the Slovak Liaison Office confirmed to UNMIK that its requests for mutual legal assistance would henceforth be sent through EULEX.

20. UNMIK has continued facilitating the interaction between Kosovo and INTERPOL and its member States on a daily basis. During the reporting period, UNMIK issued seven INTERPOL red notices.

21. On 21 June, the trial panel of the District Court of Pristina announced that the Council of Europe Special Rapporteur, Dick Marty, author of the report containing allegations of organ trafficking which are being investigated by the EULEX Special Investigative Task Force, has been summoned to appear as a witness on 3 September 2012 in the ongoing trial on organ trafficking (the *Medicus* case). The indictment charges seven defendants with one or more counts of human trafficking, organized crime, illegal exercise of medical activities and misuse of official authority. One of the alleged co-conspirators in the case, against whom an INTERPOL red notice was issued, was arrested in Israel in May as a result of a separate investigation conducted by the Israeli authorities.

22. During the reporting period, with direct support and encouragement by UNMIK, some progress has been observed on the issue of missing persons. The International Committee of the Red Cross reported that the remains of nine persons were identified during this period and one person was found living abroad, while 1,774 individuals remain missing from the conflict. On 14 June, the Pristina and Belgrade Commissions for Missing Persons, together with representatives of the international community and the media, visited a site at Zhilivodë/Žilivoda, where exhumation works were resumed recently. The joint visit was conducted in a spirit of cooperation, providing a positive impetus to the work that began in 2010.

VI. Returns and communities

23. The Office of the United Nations High Commissioner for Refugees (UNHCR) reported 131 individual voluntary returns in April and May 2012, including 45 Kosovo Serbs, 5 Kosovo Roma, 36 Kosovo Ashkali/Egyptians, 27 Kosovo Goranis, 12 Kosovo Bosniaks and 5 Kosovo Albanians to areas where they constitute a minority. The total voluntary returns for the first half of 2012 amounted to 406, compared with 603 during the same period in 2011.

24. UNHCR, as well as its implementing partners and donor States, continued to provide financial and other support to Kosovo municipalities in conducting outreach activities, including go-and-inform and go-and-see visits, for the displaced persons within and outside Kosovo. Nine go-and-see visits took place in Kosovo during the reporting period, involving 83 Kosovo Serbs displaced in Serbia and 24 Kosovo Roma/Ashkali/Egyptians displaced in Montenegro.

25. A number of return assistance projects also continue to be implemented, including a European Union-funded return and reintegration project in five municipalities. During the reporting period, the British Government signed the Accountable Grant Agreement with the Kosovo authorities for the second phase of the Sustainable Returns to Nënkalaja/Podkaljaja project in Prizren.

26. About half of the municipalities in Kosovo do not yet have functional municipal offices for communities and returns which, inter alia, coordinate with the Ministry of Internal Affairs to provide reintegration assistance to repatriated persons.

27. During the reporting period, 444 individuals, including 141 minority community members, were forcibly repatriated by host countries, primarily in Western Europe. According to UNHCR, of the 141 forced returnees, 103 were Kosovo Roma, 14 were Kosovo Egyptian/Ashkali, 12 were Kosovo Gorani, 5 were Kosovo Bosniaks, 4 were Kosovo Serbs, 1 was a Kosovo Turk and 2 were Kosovo Albanians in a minority situation.

28. On 14 May, threatening letters signed by a group calling itself the "Albanian National Army" and demanding that Kosovo Serbs leave were found in eight Kosovo Serb villages in the Klinë/Klina Municipality. In the same municipality, two houses belonging to Kosovo Serbs were set on fire on 22 May. The arson occurred in Drenovc/Drenovac village, where the construction of 13 additional houses for Kosovo Serb returnees has begun recently. Both Belgrade and Pristina authorities strongly condemned the two incidents and called for their speedy investigation.

29. Other incidents affecting the perceptions of community security included the looting of Kosovo Serb houses (in 19 separate incidents, 23 houses were broken into

in mixed population villages) and the stoning of vehicles with Serbian licence plates; attacks on five trucks and one bus were reported.

30. The double murder of a popular Kosovo Serb village leader and his wife in Tallinovc/Talinovac, a Kosovo Serb returnee settlement in Ferizaj/Uroševac Municipality, on 6 July caused strong reactions in the Serb communities across Kosovo. Kosovo political leaders from all sides condemned the double murder. EULEX is supporting the ongoing police investigation.

VII. Cultural and religious heritage

31. Following an agreement on 17 April between KFOR, EULEX and the Kosovo police, the transfer of security responsibilities at the Dević Convent in Skenderaj/Srbica Municipality has been completed. Despite the gradual nature of the transfer, the convent's nuns have remained opposed to it and additional efforts were required to promote normal working relations between the monastic community and the Kosovo police. The last KFOR contingent left the site in May, leaving the Visoki Dečani Monastery and the Peć Patriarchate as the two Serbian Orthodox Church sites still under full KFOR protection.

32. During the reporting period, the first stage of fresco restoration at the Bogorodica Ljeviška Church in Prizren, funded by combined donations from five countries, was completed and the second stage has started. The reconstruction works also commenced at three UNESCO cultural heritage sites, funded by the donation from the Russian Federation, namely, the Visoki Dečani Monastery, the Gračanica Monastery and the Peć Patriarchate.

33. Despite persisting problems, interactions between the local institutions and the Serbian Orthodox Church appeared to have improved in some municipalities, such as Pejë/Peć and Deçan/Dečani, where municipal officials assisted the clergy of the Dečani Monastery and the Peć Patriarchate in facilitating greater access to municipal services. After a six-month delay, following an intervention by international organizations, the orthodox clergy in the Gračanica Monastery were eventually issued Kosovo identity cards.

34. During the reporting period, key laws on Hoçë e Madhe/Velika Hoča and on the historic centre of Prizren were adopted after long delays. The laws are intended to strengthen the protection of the Serbian Orthodox Church and other cultural heritage sites in these areas.

35. At the same time, acts of vandalism and religious intolerance have continued during the reporting period, including thefts of money, gates and a bell from the premises of an Orthodox Church and the desecration of Orthodox cemeteries. Roman Catholic and Islamic religious sites were also targets of theft and vandalism. Four incidents of verbal or physical attacks against Orthodox monks were also reported.

VIII. Human rights

36. Under the leadership of UNMIK and the Office of the High Commissioner for Human Rights (OHCHR), the Human Rights International Contact Group has

intensified its work on the promotion and protection of human rights in Kosovo. Two working subgroups, on security incidents affecting non-majority communities and on property rights, have launched a more coordinated approach to monitoring the human rights trends and advocating remedial action.

37. In April, UNMIK submitted its comments to the Special Rapporteur on freedom of religion or belief, at the latter's request, on the status of implementation of the recommendations made following the Special Rapporteur's most recent visit to Kosovo. UNMIK was assisted by contributions from OSCE, EULEX and OHCHR. The Kosovo authorities did not respond to the Special Rapporteur's request.

38. On 4 June, the Government of Kosovo announced the establishment of the Interministerial Working Group on Dealing with the Past and Reconciliation. The stated purpose of the Working Group is to deal with human rights violations and violations of international humanitarian law that occurred in Kosovo, including during the 1998-1999 war and the transition period in 1999.

39. In June, a member of the UNMIK Human Rights Advisory Panel was appointed to serve on the European Court of Human Rights. My Special Representative has requested the President of the Court to provide recommendations for a suitable replacement to ensure continuity in the work of the Panel.

40. From April to June, the OHCHR office in Kosovo and United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) supported the Agency for Gender Equality in the Office of the Prime Minister in the development of a Kosovo action plan on the implementation of Security Council resolution 1325 (2000). The action plan, which provides for the protection of women and their participation in decision-making and peacemaking processes, is to be finalized by the end of the year.

41. On 13 June, the Regional Women's Lobby for Peace, Security and Justice in Southeast Europe hosted a round table on the theme "Dialogue between women in Kosovo". The event brought together Kosovo Albanian women from Government, parliament and civil society, Kosovo Serb women from northern Mitrovica and delegates from Albania, Montenegro and Serbia. Also in June, the Kosovo Judicial Institute, supported by UN-Women in partnership with experts from the Constitutional Court of Kosovo, OSCE and EULEX, hosted a workshop to develop training modules for judges and prosecutors on women's rights and equality before the law.

IX. Observations

42. The peaceful and orderly conduct of the Serbian presidential and parliamentary elections, including the OSCE-facilitated voting in Kosovo, were a welcome development and a credit to the maturity of political leadership on all sides. I wish to commend our partners in Kosovo, in particular OSCE, as well as KFOR and EULEX, for their essential contributions to the successful voting operation in Kosovo.

43. I congratulate Tomislav Nikolić on his election as President of Serbia and welcome his clear statements reaffirming his country's commitment to honour fully all agreements reached in the European Union-facilitated dialogue with Pristina. I also welcome his statements of readiness to engage in talks with the Pristina

leadership in the future. I trust that this example will be followed by all Serbian leaders engaged in forming the next Government of Serbia. A good faith commitment to continuing dialogue by both Belgrade and Pristina will contribute to further tangible progress in the near future. Strong leadership and vision will be required if more complicated issues are to be discussed in the next phase of this dialogue.

44. Although I am pleased to see the concrete results emerging from the agreements reached in the dialogue to date, I am concerned by difficulties being encountered in the implementation of some of them. I call upon the parties to demonstrate a constructive attitude in overcoming such problems, and upon the mediators to dedicate increased attention and resources to the detailed questions of implementation, alongside the broader terms of agreement.

45. As again amply exemplified during the reporting period, the situation in the northern part of Kosovo continues to be fragile and requires vigilance and restraint on all sides to reduce the potential for regressive political developments or instability. Genuine outreach by the Pristina institutions towards the population in the north is essential, as is the need for genuine goodwill to be demonstrated by all sides. However, any institutional moves in this direction can be successful only if fully conceived and based firmly on the trust and acceptance of the population. In this sense, I am concerned by possibly precipitate efforts on the part of Pristina to deprive the UNMIK Administration Mitrovica of funds in order to support the functioning of the administrative office in northern Mitrovica, whose access to the local community and public confidence have yet to be established.

46. The present report also highlights the continuing challenges faced by the minority communities in all parts of Kosovo and the need for improved responses by public institutions, in particular the police and other public service providers. This is also essential for improving the rate of voluntary returns to Kosovo, which has again showed few signs of improvement during this reporting period. I am grateful for the intensified focus of my Special Representative and UNMIK on these issues, including through the facilitation of more closely coordinated and robust monitoring and reporting mechanisms on the ground.

47. As in my previous report, I wish to underline that many difficulties in Kosovo are not simply the result of the lingering differences among the parties but also of the ongoing lack of international consensus, which could assist the parties in reaching the necessary compromises and thus making faster progress towards lasting political settlements. Unity of purpose is indispensable for safeguarding the long-term investment of the international community in the stability of Kosovo, as well as of the region, and promoting genuine reconciliation. In this context, I also wish to emphasize that the ultimate success and efficiency of the collective international effort would be better served by a common understanding of the tasks still at hand in order to avoid any premature disengagements.

48. I wish to express my gratitude to my Special Representative, Farid Zarif, for his leadership of the Mission and his efforts to renew and strengthen cooperation among all sides, to pursue consensual solutions to the problems arising on the ground and to promote overall security and stability. I also wish to commend the staff of UNMIK for their commitment and efforts, especially in facilitating a more effective engagement among key stakeholders and upholding the responsibilities and objectives of the United Nations.

49. I conclude by extending my gratitude to the long-standing partners of the United Nations in Kosovo — KFOR/NATO, the European Union and OSCE, as well as the United Nations agencies, funds and programmes — for their support for and cooperation with UNMIK.

Annex I

Report of the European Union High Representative for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission in Kosovo

(covering the period from 16 April to 15 July 2012)

1. Summary

The European Union Rule of Law Mission in Kosovo (EULEX) continued to assist in institutional reforms through its daily monitoring, mentoring and advising activities in the Kosovo rule of law sector. In its executive capacity, EULEX continued the prosecution and adjudication of numerous high-profile trials. Several long-term prison sentences were pronounced by mixed panels of local and EULEX judges, mainly in corruption and organized crime cases. The Special Investigative Task Force has been performing pursuant to its mandate to investigate allegations contained in the report of the Council of Europe Special Rapporteur, Dick Marty, on illicit trafficking in human organs. Furthermore, EULEX remains actively committed to supporting the European Union-facilitated Belgrade-Pristina dialogue.

Despite minor improvements to the freedom of operations of EULEX in the north of Kosovo, the implementation of its mandate is still hampered by roadblocks and recurring security incidents. Nevertheless, the Mission is still carrying out its executive mandate in the north of Kosovo by performing checks at gates 1 and 31 in the field of police and Customs. Task Force Mitrovica has conducted a number of executive police operations, and EULEX police from the Strengthening Division have carried out monitoring, mentoring and advising tasks at Kosovo police stations in northern Mitrovica, Zveçan/Zvečan and Leposaviq/Leposavić. At the Mitrovica District Court, EULEX justice staff have conducted a number of hearings and main trials.

A EULEX prosecutor filed an indictment against the suspects charged with the assault of the Mitrovica Court in March 2008, during which one staff member of the United Nations Interim Administration Mission in Kosovo (UNMIK) died as a result of these events.

In line with the decision on 5 June of the Council of the European Union to extend the Mission's mandate for two more years, EULEX has successfully started the process of realigning its structure with its revised priorities. On 13 June, the Political and Security Committee of the Council of the European Union formally extended the appointment of the Head of Mission until 14 October 2012. The Mission has also been reconfigured and has now adopted a two-pillar structure. It has reduced its total staff by about 25 per cent, from approximately 2,700 to 2,200.

2. EULEX activities, April to June 2012

General

In recognition of the progress made by the rule of law institutions in Kosovo, and following a strategic review conducted by the European External Action Service, the Mission has now been reconfigured. Following the adoption of new planning documents, the new structure came into effect on 15 June. The three Mission components have been transformed into a new two-pillar structure consisting of an executive and a strengthening division. These structural changes do not affect the Mission statement. The reconfigured Mission will retain executive tasks in criminal justice, focused on war crimes, organized crime and corruption cases, as well as in witness protection and civil justice, concentrating on privatization and conflict-related property issues. Strengthening the rule of law in the north of Kosovo will remain a priority. The Mission will also continue to complement other European Union undertakings, such as the visa liberalization dialogue road map, the stabilization and accession agreement feasibility study and the European Union-facilitated Pristina-Belgrade dialogue.

The security situation in the north of Kosovo is generally calm but volatile. At times this hampers the Mission's ability to carry out its mandate in this area. That being said, EULEX officers have continued to perform executive tasks at the official crossing points with Serbia at gates 1 and 31. Furthermore, EULEX has been physically present to carry out monitoring, mentoring and advising tasks at all Kosovo police stations in the north, except for Zubin Potok, where the security situation has hindered access for several months. EULEX and Kosovo police have conducted joint patrols in ethnically mixed areas of northern Mitrovica. The patrols have been well received by the local population and contributed to increased security. During the reporting period, Task Force Mitrovica, which is part of the Mission's executive police capacity in the north of Kosovo, undertook a number of operations relating to organized and serious crime. On 7 June, the Task Force apprehended one of the suspects wanted in connection with the killing of Kosovo police officer Enver Zymberi in July 2011. The suspect was one of six people for whom international wanted notices were issued in October 2011.

Three serious security incidents involving EULEX staff and assets took place during the reporting period. On 30 May, EULEX police advisers en route to the police station in Zubin Potok were ambushed and attacked by a group of people, who caused severe damage to the vehicle. The rapid reaction from EULEX staff members prevented them from being injured. This incident was followed on 19 June by an attack by unknown perpetrators, who threw two hand grenades at gate 31 in the early hours of the morning. Only one of the hand grenades exploded, leaving a Kosovo Force (KFOR) soldier slightly injured. The latest incident occurred on 12 July, when two hand grenades were discovered near gate 31, which were intended to trigger an explosion in the vicinity of an area frequented by EULEX staff.

The Vidovdan (St. Vitus Day) celebrations, on 28 June, were marred by a number of security incidents. At gate 3, Kosovo police clashed with Serbian protesters, causing injury to 32 Kosovo police officers and numerous Serbs. In addition, incidents of stone-throwing were reported throughout Kosovo, the most significant incident occurring in Pristina when four buses carrying children were

attacked by unknown assailants, leaving two children slightly injured. According to media reports, the buses were attacked using Molotov cocktails; however, no evidence has been found to support these allegations. Both cases are being investigated jointly by EULEX and local prosecutors. The Mission is assisting the Ministry of Internal Affairs in the internal investigations by the Police Inspectorate of Kosovo into the alleged misconduct of some Kosovo police officers in Gazimestan.

On 14 June, the European Commissioner for Home Affairs, Cecilia Malmström, handed over the road map for visa liberalization to the Kosovo authorities. The road map was welcomed by all political actors.

On 15 June, the Financial Intelligence Centre was transitioned to a locally headed Financial Intelligence Unit. The Mission's position to hand over the Centre on a condition-driven and not calendar-driven basis was fulfilled. The conditions for the handover of the institution to local ownership were set out in the Technical Arrangement between the Mission and the Kosovo Ministry of Finance signed in June 2010. On the basis of this Technical Arrangement, EULEX will continue to monitor, mentor and advise the Kosovo Financial Intelligence Unit while retaining limited executive responsibilities.

In July EULEX published the *EULEX Programme Report 2011*. The report measures the progress made by the Kosovo rule of law institutions against the baseline set in 2009. According to the main findings, the Kosovo police has made considerable progress in the areas of organizational restructuring and strategic management and has gained a positive perception in the public eye. Further attention is required in resource management, community policing, intelligence-led orientation, the fight against organized crime, and witness protection. The justice system has adopted a set of laws to complete its infrastructure and continues to focus on the consolidation of the Kosovo Prosecutorial Council and the Kosovo Judicial Council. Yet, despite several positive developments and the strengthening of the Ministry of Justice, the public perception of the justice sector is still that of a corrupt and untrustworthy system.

Kosovo Customs have been strengthened, but further improvements are pending in their cooperation with the police and on integrated border management.

Furthermore, as part of its effort to build sustainable capacity in the rule of law institutions in Kosovo, the Mission continued to monitor, mentor and advise the Kosovo police on the management of personnel, security clearances and classification of information, as well as the development of the Directorate of Intelligence and Analysis as the effective hub of the Kosovo police criminal intelligence system.

War crimes

On 19 April, a EULEX pretrial judge from the Prizren District Court ordered one month detention on remand for a Kosovo Albanian war crimes suspect. The defendant, at large for a year, was arrested and extradited from Albania. He will remain in detention on remand until the case is brought to trial.

On 2 May, a mixed panel of one local and two EULEX judges at the Pristina District Court acquitted Fatmir Limaj, Naser Krasniqi, Nexhmi Krasniqi and Naser Shala of all charges of war crimes in the so-called *Kleçka* case. Earlier, six other

defendants were also cleared of all charges. A EULEX prosecutor from the Special Prosecution Office of Kosovo has announced that he is appealing the rulings.

On 11 May, Zoran Kolić, a former guard at the Lipjan/Lipljan prison, was sentenced to 14 years of imprisonment for war crimes.

Organized crime and corruption

During the reporting period, mixed panels of local and EULEX judges adjudicated several cases involving abuse of official position. Detention on remand was extended for the former chief of the Anti-Corruption Task Force, Nazmi Mustafi, and two other suspects charged with corruption and misuse of official duty.

On 17 May Naim Huruglica, Director General of Kosovo Customs, and Lulzim Rafuna, Head of the Legal Directorate of Kosovo Customs, were acquitted of charges of abusing official position or authority by a mixed panel of one local and two EULEX judges at the Pristina District Court. A EULEX prosecutor from the Special Prosecution Office of Kosovo has announced that he is appealing the rulings.

Mixed panels continued several high-profile trials pertaining to organized crime, such as the *Medicus* case (organ trafficking) and the trial against Slaviša Petković, former Minister for Communities and Returns, charged with, inter alia, misappropriation and fraud in office. Furthermore, on 3 May, a mixed panel of one local and two EULEX judges at the Pejë/Peć District Court found the defendants Bedri Krasniqi et al guilty of organized crime and kidnapping. The sentences ranged from 10 to 17 years of imprisonment. Bedri Krasniqi is already serving a long-term prison sentence of 27 years for multiple murders.

On 25 May, a EULEX pretrial judge sentenced three suspects (Kosovo police officers) in the so-called Bill Clinton Boulevard Bombing[a] to detention on remand for one month, which was extended for two more months on 22 June. They are suspected of, inter alia, organized crime and aggravated murder. There are five suspects in the case. The Supreme Court confirmed the verdict of 25 years of imprisonment against the two other defendants, who had been convicted in 2009.

On 29 May, EULEX executive police arrested six people in a major investigation against organized crime, led by a EULEX prosecutor from the Special Prosecution Office of Kosovo. On 31 May, a EULEX pretrial judge ordered detention on remand for three of the suspects; three others were placed under house arrest. The defendants are suspected of smuggling of goods, tax evasion, fraudulent evasion of import duty and excise tax and money-laundering.

On 3 July, a EULEX pretrial judge ordered one month detention on remand for three individuals at the Prizren District Court. The individuals are suspected of being involved in the buying and selling of illegal weapons and the transportation of these weapons from Turkey and Albania into Kosovo and from Kosovo into Albania. The investigation is being conducted by a EULEX prosecutor from the Special Prosecution Office of Kosovo.

On 5 July, a EULEX prosecutor from the Special Prosecution Office of Kosovo filed an indictment against 11 suspects in a corruption case related to the

[a] In September 2007, 2 people were killed and 12 injured in a bomb attack that hit a café in Pristina, on a street named after the former United States president.

Ministry of Health. Among the suspects are Bujar Bukoshi, former Minister of Health and Deputy Prime Minister, and Ilir Tolaj, former Permanent Secretary of the Ministry of Health. They are accused of misuse of official duty or authority, mistreatment in exercising duties, misuse of economic authorization, entering into harmful contracts, issuing unlawful judicial decisions and solicitation of bribes/attempt to obtain bribes, tax evasion and obstruction of evidence. On 9 July, the Deputy Prime Minister, Bujar Bukoshi, and the Deputy Minister of Finance, Astrit Haraqija, resigned from their posts. The resignation was approved by the Prime Minister until the completion of the judicial proceedings.

On 10 July, a local judge at the Pristina District Court confirmed the indictment filed by a EULEX prosecutor against six suspects, one of them a high-ranking crowd and riot control unit officer, in connection with the theft of approximately €1.3 million worth of jewellery in a hotel room in Barcelona, Spain, in July 2009. The case is being prosecuted by a mixed team led by a EULEX district prosecutor.

On 11 July, a mixed panel of one EULEX judge and two local judges at the Supreme Court ordered the retrial of Bedri Januzi, Mustaf Gashi and Shkelzen Zogiani, Kosovo police officers charged with abuse of official position or authority and smuggling of migrants, and Bib Docaj, charged with money-laundering and facilitation of prostitution. The panel annulled the first instance verdict because of grave contradictions between the decision and the reasoning, insufficient establishment of facts and — depending on the proper assessment of evidence — the need to requalify the criminal offences committed.

Special Investigative Task Force

During the reporting period, the Government of Albania moved forward with the adoption of a law on cooperation with the Special Investigative Task Force. On 23 and 24 April the Task Force's lead prosecutor, John Clint Williamson, met the Prime Minister of Albania, Sali Berisha, the Deputy Prime Minister and Minister for Foreign Affairs, Edmond Haxhinasto, and the Minister of Justice, Eduard Halimi, in Tirana to discuss how progress could be achieved towards passing a domestic law on cooperation with the Task Force. Mr. Williamson's interlocutors all reconfirmed the country's full commitment to cooperating with the investigation and their intention to institutionalize cooperation between Albania and the Task Force.

Following Mr. Williamson's meetings in Tirana, the Albanian Council of Ministers approved the law on 2 May, and the Parliament adopted it on 10 May by cross-party consensus of the Members of Parliament present (127 out of 140 Members attended the Parliament session). On that day the Task Force issued a statement stressing that the adoption of the law was an important step forward as it further enhanced the Task Force's ability to conduct a full, fair and independent criminal investigation into the allegations of war crimes and organized crime contained in the Council of Europe report of January 2011.

The law entered into effect immediately. It is modelled on cooperation laws adopted by States of the former Yugoslavia to regulate their cooperation with the International Tribunal for the Former Yugoslavia and will ensure that the Task Force can operate in Albania at a level of autonomy and confidentiality similar to that of the Tribunal. It also indicates that the European Union is able to elicit cooperation from States relevant to the investigation.

Contacts with key individuals who have information relevant to the investigation have also been intensified. In addition, the Task Force has established working relations with EUROPOL in the areas of witness protection and data exchange. Cooperation also intensified with relevant counterparts in the region and the International Tribunal for the Former Yugoslavia. Furthermore, the lead prosecutor and his staff engaged other Governments on witness relocation matters. He also followed up on previous discussions regarding witness protection and relocation with Governments that had already expressed a willingness to assist the Task Force. The Task Force continues to work with non-governmental organizations that may be in possession of information relevant to the investigation.

Other key cases

Throughout the reporting period, a panel of one local and two EULEX judges at the Pristina District Court continued the main trial against six defendants accused of aggravated murder and attempted aggravated murder in the so-called *Bllaca 2* case.

On 12 June, a EULEX prosecutor filed an indictment against Marjan Ilinčić, Zoran Čavić, Dragan Milojević, Miodrag Ralić, Avni Krasniqi, Aleksandar Arsenijević and Nebojša Jović. The suspects are charged with unlawful occupation of the Mitrovica courthouse, call to resistance, obstructing official persons in performing official duties, participating in a crowd committing a criminal offence, endangering the United Nations and associated personnel, damage of movable property, national, racial, religious or ethnic hatred, discord or intolerance, and participation in a group obstructing official persons in performing official duties. The case is related to the riots in March 2008, when the courthouse in the northern part of Mitrovicë/a came under attack by a large number of people, which resulted in the death of a Ukrainian UNMIK International Officer. This led to the closing of the courthouse and the intervention of KFOR. The case is awaiting confirmation of the indictment.

On 3 July, a EULEX judge ordered detention on remand for two suspects in relation to a shooting incident near gate 5. The suspects shot from the Kosovo side at a police container on the Serbian side of the border/boundary line. Three other suspects were ordered to report to a police station, and their passports were confiscated. The investigation, led by a EULEX prosecutor from the Special Prosecution Office of Kosovo, has been supported by the Kosovo police and KFOR.

On 4 July, a mixed panel of one local and two EULEX judges at Pejë/Peć sentenced Nazif Visoqi to 16 years of imprisonment for aggravated murder. He murdered Miodrag Komatina and injured Dejan Bogićević and Draško Ojdanić in 2011 because of a property dispute.

On 6 July, a Kosovo Serb couple was shot dead near Ferizaj/Uroševac. The husband, Milovan Jevtić, was the representative of Muhaxher-Talinovc/Muhadžer Talinovac village and worked for the return of other Kosovo/Serb families and peaceful coexistence with Kosovo Albanians. The case is being investigated jointly by EULEX and local prosecutors.

On 12 July, the EULEX Task Force Mitrovica, in a joint operation with the Kosovo police, arrested two suspects in connection with the murder of Savo Mojsić, which occurred in November 2011 in Brdjani/Kroi i Vitakut. Two more persons were arrested for unauthorized possession of weapons and/or ammunition. The four

individuals were placed in temporary detention. The case is being investigated by a mixed team of EULEX and local prosecutors.

Legislation

In May, the Ministry of Justice invited EULEX to participate in a working group[b] to review the "judicial package" (five draft laws, including the Law on the Kosovo Prosecutorial Council, the Law on the State Prosecutor, the Law on the Kosovo Judicial Council, the Law on Courts and the Law on the Special Prosecution Office of Kosovo). The working group reviewed the EULEX recommendations throughout June. Discussions on amending the Law on Courts continue, in particular with regard to the Special Criminal Chamber under consideration within the Basic Court of Pristina. In June, the Ministry of Justice tabled a second draft of the Law on Confiscation of Illegally Obtained Assets, incorporating the proposals provided by EULEX and European Commission experts. It foresees a strictly conviction-based confiscation of assets.

Following the second reading in the Assembly of Kosovo, the President of Kosovo, on 8 May, decided to return the Criminal Code to the Kosovo Assembly, requesting the review of articles 37 and 38 on criminal liability for offences committed by the media. On 22 June, the Assembly of Kosovo adopted the Criminal Code at the third reading, without addressing the President's concerns. The approval of the contested articles 37, 38 and 39 of the Criminal Code led to the resignation of the Deputy Prime Minister and Minister of Justice, Hajredin Kuçi, on the same day. The Prime Minister, at an urgent meeting of the Government, initiated the procedure to amend the Criminal Code in order to abrogate articles 37, 38 and 39. On 5 July, the Assembly of Kosovo adopted the Law to Change the Criminal Code of Kosovo at the first reading and abrogated articles 37, 38 and 39. Following the approval of the draft law, Mr. Kuçi resumed his responsibilities in the Government as Deputy Prime Minister and Minister of Justice on 10 July.

Property rights

During the reporting period, the Kosovo Property Claims Commission held two sessions, in April and June, during which 4,216 of the conflict-related and mainly inter-ethnic property claims were adjudicated. The number of total adjudicated cases stands at 31,531, while 10,567 are still to be resolved. Of the 4,216 claims resolved during the reporting period, 295 claims were contested claims. The Commission conducted a number of oral hearings of parties and witnesses, both north and south of the river Ibar.

During the reporting period, four more local judges were assigned to the Special Chamber of the Supreme Court, two of them from non-majority communities. Two more local judges are needed to comply fully with the new law, in force since 1 January 2012.

[b] Comprising representatives of the United States Agency for International Development Effective Rule of Law Programme, the Embassy of the United States, the Ministry of Justice of Kosovo, the Kosovo Prosecutorial Council and the Kosovo Judicial Council. A EULEX prosecutor, a EULEX judge and two EULEX legislative experts at the Ministry of Justice participated in the working group on behalf of EULEX.

Dialogue implementation

As part of its mandate, EULEX continues to assist the implementation of Belgrade-Pristina dialogue agreements. Progress has been made on the implementation of the dialogue agreement of 2 July 2011 on civil registry books. On 10 May, a small-scale pilot project was launched in Lipjan/Lipljan. On 1 June, EULEX handed over 52 certified copies of the original civil status birth registry books for the village of Janjevë/Janjevo in Lipjan/Lipljan Municipality to the Civil Registry Agency of Kosovo. By the end of June a total of 111 original registry books had been certified.

With regard to the dialogue agreement on freedom of movement of 2 July 2011, 1 June marked the initial implementation date for the announced sanctions against non-compliant old Yugoslav or new Serbian licence plates displaying the initials of Kosovo municipalities. EULEX has continued to record the crossings at gates 1 and 31 and raise awareness on the use of "KS" and "RKS" plates in Kosovo.

Approved by Xavier Bout De Marnhac
Head of Mission

Annex II

Composition and strength of the police and military liaison components of the United Nations Interim Administration Mission in Kosovo

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo

(as at 15 July 2012)

Country	*Number*
Belgium	1
Germany	1
Italy	1
Pakistan	1
Turkey	1
Ukraine	1
Total	**6**

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo

(as at 15 July 2012)

Country	*Number*
Czech Republic	1
Norway	1
Poland	1
Romania	1
Spain	1
Turkey	1
Ukraine	2
Total	**8**

UNMIK
July 2012
SERBIA
MONTENEGRO
KOSOVO
ALBANIA
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA
HQ Regional
MLT North
Kosovska Mitrovica
HQ UNMIK
HQ MLC
MLT
Priština
Skopje
Brodec
HUNGARY
CROATIA
ROMANIA
Belgrade
BOSNIA AND HERZEGOVINA
MONTENEGRO
KOSOVO
ALBANIA
ITALY
GREECE
HQ UNMIK UNMIK HQ
HQ MLC Military Liaison Component HQ
MLT Military Liaison Team
UNMIK perimeter of operations
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
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Department of Field Support Cartographic Section